

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re TERRORIST ATTACKS ON	:	03 MDL 1570 (RCC)
SEPTEMBER 11, 2001	:	ECF Case
	:	
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*This document relates to:*

*Estate of John P. O'Neill, Sr., on behalf John P. O'Neill, Sr.,  
deceased, and on behalf of decedent's heirs-at-law, et al. v.  
Al Baraka Investment and Development Corp., et al., Case  
No. 04-CV-1923*

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that defendant Banca del Gottardo ("BDG"), by its attorneys Sonnenschein Nath & Rosenthal LLP, will move this Court, before Hon. Richard Conway Casey, United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rules 12(b)(1) and 12(b)(6), dismissing the Second Amended Consolidated Class Action Complaint for failure to state a claim against BDG upon which relief can be granted, and for lack of subject matter jurisdiction as to the claim brought under the Alien Tort Claims Act, and for such other and further relief as to the Court may seem appropriate.

Date: New York, New York  
October 3, 2005

**SONNENSCHN NATH & ROSENTHAL LLP**

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